

Exhibit F

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JAMIE LEONARD, )  
                    )  
Plaintiff,        )  
                    ) Cause No. 4:19-CV-00927-RLW  
vs.                )  
                    )  
ST. CHARLES COUNTY, ET AL., )  
                    )  
Defendants.        )

VIDEOTAPED DEPOSITION OF DONTÉ FISHER  
TAKEN BY GARY K. BURGER, JR., ESQ.  
ON BEHALF OF THE PLAINTIFF  
FEBRUARY 11, 2020

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REPORTED BY KAREN M. RUSSO  
CERTIFIED COURT REPORTER MO No. 628  
CERTIFIED SHORTHAND REPORTER IL No. 084.004526  
REGISTERED PROFESSIONAL REPORTER

RUSSO REPORTING, LLC  
1025 COMMODORE DRIVE  
ST. LOUIS, MISSOURI, 63117  
Russoreporting@gmail.com  
www.RussoReportingLLC.com

Donte Fisher  
2/11/2020

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<p>1 talk about this with Scott or Harris?</p> <p>2 A. No, sir.</p> <p>3 Q. And what about any of your supervisors?</p> <p>4 A. No, sir, they just basically go off of our --</p> <p>5 Q. Go off your written report?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Did you ever tell anybody that had you known</p> <p>8 about his eye condition you wouldn't have used the OC</p> <p>9 spray?</p> <p>10 A. No, sir.</p> <p>11 Q. Did you ever ask anybody how come I didn't know</p> <p>12 about the eye condition?</p> <p>13 A. No, sir.</p> <p>14 Q. Did you ever know about the eye condition until</p> <p>15 we started asking you about it in this depo?</p> <p>16 A. Exactly. That's exactly when I found out. I</p> <p>17 never knew.</p> <p>18 Q. The first time we deposed, we deposed you in</p> <p>19 August, that's the first -- you figured out from the</p> <p>20 questions that we knew that?</p> <p>21 A. Yes, sir, that's the very first I ever heard</p> <p>22 that.</p> <p>23 Q. Did anybody show you a medical record like I</p> <p>24 did today where I can show you proof that they complained</p> <p>25 about the eye condition?</p>	<p>1 Q. Have you ever had another inmate where someone</p> <p>2 said he had an eye condition and you didn't use OC spray?</p> <p>3 A. No, sir.</p> <p>4 Q. So I know you went into detail in the prior</p> <p>5 deposition about what happened in the cell when the OC</p> <p>6 spray was used.</p> <p>7 A. Okay.</p> <p>8 Q. You asked Mr. Leonard to put his hands -- turn</p> <p>9 around and put his hands towards the door so you could</p> <p>10 cuff him?</p> <p>11 A. Yes.</p> <p>12 Q. Have you looked at that video?</p> <p>13 A. I think I did briefly but during --</p> <p>14 Q. A while ago?</p> <p>15 A. It was a while.</p> <p>16 Q. He goes to the back of the cell and he puts his</p> <p>17 forehead on the wall and kneels down?</p> <p>18 A. Yes.</p> <p>19 Q. And then you guys enter the cell, correct?</p> <p>20 A. Yes.</p> <p>21 Q. You're the one who's next to him?</p> <p>22 A. Correct.</p> <p>23 Q. You have a hand on him?</p> <p>24 A. Yeah.</p> <p>25 Q. Soft touch you call it?</p>
<p style="text-align: center;">Page 47</p> <p>1 A. No, sir.</p> <p>2 Q. Did you have any reason to think that he was</p> <p>3 detoxing or on any type of drugs?</p> <p>4 A. Well, from the observation that I've had with</p> <p>5 him, some of the body languages that he was giving off</p> <p>6 and doing, I thought that he may have been on some type</p> <p>7 of hallucinate or some type of drug.</p> <p>8 Q. And I'm jumping around. When we deposed you,</p> <p>9 had there been a planned use of force Ms. Theresa would</p> <p>10 be the person you would have gone to to clear him for OC</p> <p>11 spray or Taser use?</p> <p>12 A. At that time, yes.</p> <p>13 Q. All right. Now you guys have Tasers. You</p> <p>14 didn't have them before, right?</p> <p>15 A. No, sir.</p> <p>16 Q. So now if you do a planned use of force with a</p> <p>17 Taser or OC spray you would have gone to Ms. Theresa or</p> <p>18 someone in their place and said is it okay to use this on</p> <p>19 him, fair?</p> <p>20 A. Fair.</p> <p>21 Q. Did you -- when he -- so I know you went into</p> <p>22 detail about -- have you had -- strike that. Have you</p> <p>23 had -- if I say strike that it means I'm starting totally</p> <p>24 over.</p> <p>25 A. Uh-huh.</p>	<p style="text-align: center;">Page 49</p> <p>1 A. Soft touch, yes.</p> <p>2 Q. And then what did you say to him? Did you tell</p> <p>3 him that -- Harris said that you said something to him</p> <p>4 like if you disobey or if you get up we're going to spray</p> <p>5 you. Did you say something like that to him?</p> <p>6 A. I don't recall saying that, no.</p> <p>7 Q. All right, I didn't think so. It's not in your</p> <p>8 statement; is it?</p> <p>9 A. No.</p> <p>10 Q. What did you say to Leonard?</p> <p>11 A. I was just telling him to be calm. Officer</p> <p>12 Scott was going to do a cell search briefly and we'll be</p> <p>13 I guess, you know, out of the unit, I'm assuming.</p> <p>14 Q. All right. And then what happened?</p> <p>15 A. And then he just started to rise.</p> <p>16 Q. Okay.</p> <p>17 A. And we went to try to have some type of</p> <p>18 control, and he's a big guy and I couldn't hold him. And</p> <p>19 then he started lunging towards Scott and, you know,</p> <p>20 Scott's back was towards him so he didn't know. So then</p> <p>21 that's when Scott then turned around and grab ahold to an</p> <p>22 arm, I believe, and then Harris sprayed him.</p> <p>23 Q. Were you ever in fear for your safety, your</p> <p>24 physical safety?</p> <p>25 A. Could you collaborate on that?</p>

13 (Pages 46 to 49)